



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,394	06/30/2000	Hannu Nieminen	4925-53	9490

7590 01/29/2004

Edward M Weisz Esq
Cohen Pontani Lieberman & Pavane
551 Fifth Avenue
Suite 1210
New York, NY 10176

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,394

Applicant(s)

NIEMINEN ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's Request for Reconsideration filed on November 3, 2003. Claims 1-40 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-12, 14-29** and **31-40** are rejected under 35 U.S.C. 102(b) as being anticipated by Weiser et al (hereinafter, "Weiser", 5,485,634).

As per claims **1** and **19**, Weiser discloses a method and a network for controlling appliances within a local environment containing a local controller and a local server, each appliance being controllable by a corresponding appliance control module, comprising the steps of:

- obtaining an appliance control module for each appliance (col. 7, lines 21-50 and col. 8, lines 24-37);
- installing on the local server, the obtained appliance control modules (col. 7, lines 21-50 and col. 8, lines 24-37);
- providing communication between the local server and the appliances (col. 7, lines 21-50, lines 64-67 and col. 8, lines 1-5); and

Art Unit: 2157

- accessing the local server with the local controller to select one of the installed control modules for controlling the corresponding appliance (col. 7, lines 21-50 and col. 8, lines 24-37).

As per claims **2** and **20**, Weiser discloses:

- wherein each appliance has a memory-stored address for providing a location of the corresponding appliance control module, said method further comprising the steps of transmitting the memory-stored address from the appliance to the local controller, and accessing a remote location using the transmitted address to locate the corresponding appliance control module (col. 7, lines 21-50 and col. 8, lines 24-37).

As per claims **3** and **21**, Weiser discloses:

- wherein the local controller, local server and each appliance contains a wireless transceiver, and wherein said step of transmitting comprises said step of wireless transmitting (col. 6, lines 42-46 and col. 8, lines 1-5).

As per claims **4** and **22**, Weiser discloses:

- wherein the memory-stored address is a URL Internet address (at least implicitly) (col. 7, lines 42-50).

As per claims **5** and **23**, Weiser discloses:

- wherein said accessing step comprises the step of connecting to the Internet using the URL to locate the appliance control module (at least implicitly) (col. 7, lines 21-50, col. 8, lines 6-37).

As per claims **6** and **24**, Weiser discloses:

Art Unit: 2157

- wherein the local controller and the local server comprise an integrally formed wireless communications device (col. 7, lines 21-50, lines 64-67 and col. 8, lines 1-5).

As per claims 7 and 25, Weiser discloses:

- wherein said wireless communications device comprises one of a mobile phone and a personal digital assistant (col. 6, lines 60-67 and col. 7, lines 1-10).

As per claims 8 and 26, Weiser discloses:

- wherein the local controller comprises one of a mobile phone and a personal digital assistant (col. 6, lines 60-67 and col. 7, lines 1-10).

As per claims 9 and 27, Weiser discloses:

- wherein said local server comprises a personal computer (col. 6, lines 60-67 and col. 7, lines 1-3).

As per claims 10, 11, and 28, Weiser disclose:

- wherein the appliances, local server, and local controller are capable of wirelessly communicating with each other using Bluetooth transceivers (col. 6, lines 41-45 and lines 60-67).

As per claims 12 and 29, Weiser discloses:

- wherein the step of accessing further comprises providing a select user with access to the appliances based on a user identifier (col. 7, lines 21-50 and col. 8, lines 6-16).

As per claims 14 and 31, Weiser discloses:

- wherein the local server is a personal computer and wherein said step of providing a user with access further comprises using a personal computer password as the user identifier (at least implicitly) (col. 6, lines 60-67 and col. 7, lines 1-3).

As per claims **15** and **32**, Weiser discloses:

- wherein said step of transferring comprises the step of accessing the remote location comprises transferring the located appliance control module to the local controller and then transferring the appliance control module from the local controller to the local server (col. 7, lines 21-50, lines 64-67, col. 8, lines 1-6 and 24-37).

As per claim **16**, Weiser further discloses

- the step of accessing the local server with the local controller to control a select appliance with a corresponding appliance control module (col. 7, lines 21-50, lines 64-67, col. 8, lines 1-6 and 24-37).

As per claim **17**, Weiser disclose:

- wherein the local controller comprises a mobile phone and wherein said accessing step comprises the step of selecting a command on the mobile phone to control a select appliance (col. 6, lines 60-67 and col. 7, lines 1-3).

As per claims **18** and **34**, Weiser further discloses:

- the steps of using the local controller to grant a second device authority for accessing the local server (col. 7, lines 21-50, lines 64-67, col. 8, lines 1-6 and 24-37).

As per claim **33**, Weiser disclose:

- wherein the local controller comprises a mobile phone and wherein said means for accessing comprises entering a menu selection on the mobile phone (col. 6, lines 60-67 and col. 7, lines 1-3).

As per claim **35**, Weiser discloses a network for controlling an appliance contained within a local environment, the appliance being controllable by a corresponding appliance control module

and having a memory-stored address for providing a location of the corresponding appliance control module, comprising:

- a local controller having a wireless transceiver for communicating with the appliance and for receiving the memory-stored address from the appliance, the memory-stored address being used to locate the appliance control module (col. 7, lines 21-50, lines 64-67, col. 8, lines 1-6 and 24-37); and
- a local server in communication with said local controller for receiving and storing the located appliance control module (col. 7, lines 21-50, lines 64-67, col. 8, lines 1-6 and 24-37).

As per claim **36**, Weiser discloses:

- wherein the memory-stored address corresponds to a location on a global computer network and wherein at least one of said local controller and local server is capable of communicating with said global computer network (col. 7, lines 21-50, lines 64-67, col. 8, lines 1-6 and 24-37).

As per claims **37** and **38**, Weiser disclose:

- wherein said local controller is a mobile phone (col. 6, lines 60-67 and col. 7, lines 1-3).

As per claim **39**, Weiser discloses:

- wherein said mobile phone is used to access the global computer network to locate the appliance control module and to transmit the appliance control module to said local server (col. 7, lines 21-50, lines 64-67, col. 8, lines 1-6 and 24-37).

As per claim **40**, Weiser disclose:

- wherein said mobile phone, said local server and the appliance comprise Bluetooth transceivers for permitting wireless communication therebetween (col. 6, lines 41-45 and lines 60-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiser in view of Bromba et al (hereinafter, "Bromba", 6,466,781).

As per claims 13 and 30, Weiser discloses:

- wherein the local controller is a mobile phone (col. 6, lines 60-67 and col. 7, lines 1-3).

However, Weiser does not explicitly disclose:

- wherein said step of providing a user with access further comprises using a SIM and PIN associated with the phone as the user identifier.

Bromba discloses a transceiver for transmitting and receiving information selected from a group consisting of signaling and user information comprising:

- wherein said step of providing a user with access further comprises using a SIM and PIN associated with the phone as the user identifier (col. 1, lines 24-38 and col. 4, lines 8-35).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Weiser and Bromba to incorporate the use of a SIM card and a PIN number with the mobile device as the user identifier in Weiser allowing the user to access information on the network securely in order to protect the information from unauthorized users.

Response to Arguments

5. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

The Office note the following arguments:

- a. Silverman et al does not describe expressly or inherently electronic devices being controllable by a corresponding appliance control module.
- b. Silverman et al makes no mention of obtaining an appliance control module for each appliance and installing the obtained module(s) on the local server.
- c. There is no teaching in Silverman et al to access the local server with the local controller to select one of the installed appliance control modules for controlling the corresponding appliance.
- d. Silverman et al does not describe either expressly or inherently, any communication between the computer and the electronic device and does not disclose any means that could enable such communication.
- e. Silverman et al does not disclose anything comparable to the element of the present invention of claims 1 and 19 wherein communication between the local server and the appliances is provided.

f. Silverman et al has no teaching of a local server in communication with a local controller for receiving and storing a located appliance control module, as is recited in claim 35.

g. The method and the networks disclosed in independent claims 1, 19 and 35 are novel over Silverman et al. Moreover, there is no teaching in Silverman et al to render the independent claims 1, 19 and 35 obvious.

h. Song does not disclose controlling appliances within a local environment containing a local controller and a local server, each appliance being controllable by a corresponding appliance control module as defined in the pending claims of the invention.

i. Atkinson et al does not disclose anything about appliances being controllable by corresponding appliance control module.

6. In considering (a)-(i), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pub. No. 2001/0041982 to Kawasaki et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

Application/Control Number: 09/608,394
Art Unit: 2157

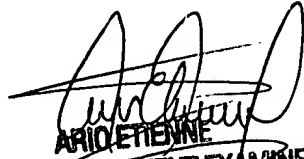
Page 10

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
January 15, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100